

# Emergency Rules

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2220—State Board of Pharmacy Chapter 4—Fees Charged by the Board of Pharmacy

#### EMERGENCY AMENDMENT

**20 CSR 2220-4.010 General Fees.** The board is amending section (1).

*PURPOSE:* The proposed emergency amendment would decrease renewal fees for Missouri pharmacy technicians and establish fees for third-party logistic providers and drug outsourcers created by HB 1719.

*EMERGENCY STATEMENT:* The Missouri General Assembly recently enacted HB 1719 which establishes a new license class for third-party logistics providers (3PLs), effective August 28, 2018. The emergency amendment would establish fees for 3PLs and drug outsourcers to allow these entities to be licensed. Additionally, the Board of Pharmacy is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo, governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Based on the board's five (5)-year projections, the board finds it necessary to reduce renewal fees for Missouri pharmacy technicians to comply with section 338.070, RSMo. Therefore, the board is proposing to decrease 2019 renewal fees for Missouri pharmacy technicians from thirty-five dollars (\$35) to twenty dollars (\$20). Pharmacy technician renewal notices will be mailed on March 1, 2019. Without this emergency amendment, the board will collect more revenue than it is statutorily authorized to collect. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary for the 2019 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 338.070.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 28, 2018, becomes effective December 8, 2018, and expires June 5, 2019.

(1) The following fees are established by the State Board of Pharmacy:

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| (H) Change of Pharmacy [or], Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider</b> Name Fee   | \$ 25  |
| (K) Change of Pharmacy [or], Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider</b> Location Fee   | \$ 175 |
| (L) Original Pharmacy Distributor/Wholesale Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider</b> License Fee (includes both temporary and permanent license) | \$ 300 |

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| (M) Pharmacy Distributor/Wholesale Drug Distributor, <b>Drug Outsourcer or Third-Party Logistics Provider</b> License Renewal Fee | \$ 450 |
| (U) Pharmacy Technician Annual Renewal Fee  | \$ 35  |
| 1. Effective from January 1, 2019 to June 1, 2019   | \$ 20  |

*AUTHORITY:* sections 338.020, 338.035, 338.040, 338.060, 338.070, 338.140, 338.185, 338.220, 338.230, 338.270, 338.280, 338.335, and 338.350, RSMo 2016. This rule originally filed as 4 CSR 220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 28, 2018, effective Dec. 8, 2018, expires June 5, 2019. An emergency amendment and a proposed amendment covering this same material will be published in the January 2, 2019, issue of the *Missouri Register*.